UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTINA ELWELL, Plaintiff, -against- GOOGLE, INC. and TIMOTHY ARMSTRONG, Defendants.	**05-CV-06487 (DLC) (JCF)** **ECF CASE**

DECLARATION OF ILENE ROBINSON SUNSHINE

Ilene Robinson Sunshine, being first duly sworn, states as follows:

1. I am a partner in the law firm of Sullivan & Worcester LLP, counsel for Plaintiff Christina Elwell in this action. I have been licensed to practice law since 1979.

2. Defendants' counsel, Marina Tsatalis, asserts in her Declaration of May 17, 2007 that "[o]n November 6, 2006, at the end of the first day of Plaintiff's deposition and before any other depositions had been taken in the case, Plaintiff's counsel took me aside and stated her intent to make a motion to get the case back into court, stating: 'this is all just a dress rehearsal.'" Ms. Tsatalis was referring to me, but this is not an accurate characterization of what occurred.

3. At the end of the first day of Plaintiff's deposition, I asked Ms. Tsatalis to speak with me in private for the purpose of exploring whether there was any possibility of resolving the case through settlement. In that conversation, I told Ms. Tsatalis that Plaintiff was completely committed to the case, including her intention ultimately to secure her right to a jury trial. I told Ms. Tsatalis that we believed that the case did not belong in arbitration and that, if necessary, Plaintiff would appeal the referral to arbitration to the United States Court of Appeals for the

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Second Circuit. I told Ms. Tsatalis that we believed in the merits of such an appeal, which if successful would make the arbitration nothing more than a "dress rehearsal" for a jury trial. Ms. Tsatalis responded that "These people [Google and Timothy Armstrong] are not settlers."

4. Defendants did not produce all of their responsive documents with, or around the time of, their responses to Plaintiff's document requests. Instead, Defendants doled out their document production over several months, beginning in October 2006. Following discovery motions, the arbitrator set April 13, 2007 as the date by which the parties were to produce any outstanding discovery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 24, 2007.

/s/ Ilene Robinson Sunshine
Ilene Robinson Sunshine